

ORDINANCE NUMBER 21-31

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the **MULE BARN ROAD COMMERCIAL PUD DISTRICT**) to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 2107-PUD-20**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 2107-PUD-20** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (6-0-1) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on August 3, 2021;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Mule Bard Road Commercial PUD District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance (the "UDO"), as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

Section 3. Concept Plan. The “Concept Plan”, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the OI: Open Industrial District (the “Underlying Zoning District”).

Section 5. Permitted Uses.

5.1 Permitted Uses: The only permitted use on the Real Estate shall be a concrete batch plant and accessory/ancillary uses to a concrete batch plant (to be determined by the Director of Community Development) that is in substantial compliance with the Concept Plan.

5.2 Prohibited Uses: All uses other than a concrete batch plant and plant and accessory/ancillary uses to a concrete batch plant (to be determined by the Director of Community Development) that is in substantial compliance with the Concept Plan shall be prohibited.

Section 6. General Regulations. The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

6.1 Minimum Lot Frontage:

- A. Mule Barn Road: 300 feet

6.2 Minimum Building Setback Lines:

- A. Side Yard: 30 feet
- B. Rear Yard: 30 feet
- C. Front Yard: 50 feet
- D. Maximum Building Height:

1. 85 feet for the plant and silo and all other buildings shall default to the requirements of the Underlying Zoning District.

Section 7. Development Standards. The standards of Chapter 6 Development Standards in the UDO shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Accessory Use and Building Standards (Article 6.1 of UDO): Shall apply; except as modified below:

- A. Accessory Building Location (Article 6.1(D) of UDO): Shall apply; however, Accessory Buildings may be located in any Yard.
- B. Accessory Building Timing (Article 6.1(E) of UDO): Shall apply; however, an Accessory Building may be constructed commensurately with the construction of the Principal Building

7.2 Architectural Standards (Article 6.3 of UDO): Shall apply; except as otherwise modified below.

- A. Character Exhibit: The “Character Exhibit”, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on the Real Estate. Although the Character Exhibit does not necessarily represent the final design, it does hereby establish a benchmark for the variation, quality and appearance of Buildings permitted to be constructed and that contribute to the District’s intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department’s decision may be appealed to the Plan Commission.
- B. Mechanical Screening (Article 6.3(G)(1) of UDO): Shall not apply; instead, the Landscape Plan as part of the Character Exhibit shall be deemed to satisfy the requirements of this Article.
- C. Building Facades (Article 6.3(G)(2) of UDO): Building Facades may be constructed of pre-engineered steel with a concrete wainscot metal façade and may be one uniform color.

7.3 Landscaping Standards (Article 6.8): Shall not apply, instead, the Landscape Plan as part of the Character Exhibit shall be deemed to satisfy the requirements of this Article, which shall include a minimum four (4) foot berm on the north and western perimeter of the Property.

7.4 Parking Standards (Article 6.14 of UDO): Shall apply, except as modified below:

- A. Surfacing and Curbs (Article 6.14(G)(7) of UDO): The parking area shall be improved with a compacted gravel or stone base. The perimeter of the Parking Area shall be designed in a fashion to adequately handle stormwater collection, conveyance, detention

and treatment system in accordance with the approval of the City Engineer and/or Public Works Department.

B. Bicycle Parking (Article 6.14(H) of UDO): Shall not apply.

Section 8. Design Standards. The standards of Chapter 8 Design Standards of the UDO shall apply to the development of the Real Estate, except as otherwise modified below.

8.1 Open Space and Amenity Standards (Article 8.6 of UDO): Shall not apply.

8.2 Pedestrian Network Standards (Article 8.7 of UDO): No pedestrian facilities shall be required along the Real Estate's road frontage or on any internal roadways.

8.3 Street and Right-of-Way Standards (Article 8.9 of UDO): The District shall comply with the requirements of the Thoroughfare Plan unless otherwise agreed to by the Department of Public Works. The District shall be accessed from Mule Barn Road.

[Remainder of page intentionally left blank; signature page follows.]

ALL OF WHICH IS ORDAINED/RESOLVED THIS _____ DAY OF _____, 2021.
WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Scott Willis

Scott Willis

Scott Willis

Jake Gilbert

Jake Gilbert

Jake Gilbert

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Mike Johns

Mike Johns

Mike Johns

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Troy Patton

Troy Patton

Troy Patton

ATTEST:

Cindy Gossard, Clerk Treasurer

COUNCIL CONSIDERATION

I hereby certify that **ORDINANCE 21-31** was delivered to the Mayor of Westfield on the _____ day of _____, 2021, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 21-31**

this _____ day of _____, 2021.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 21-31**

this _____ day of _____, 2021.

J. Andrew Cook, Mayor

This document prepared by: Andrew S. Greenwood/Patrick Chittenden
Patch Development LLC
400 Alpha Drive, Westfield, IN 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Andrew S. Greenwood

COUNCIL CONSIDERATION

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C Character Exhibit

COUNCIL CONSIDERATION

EXHIBIT A

REAL ESTATE

A part of the Southeast Quarter of the Northeast Quarter, Section 31, Township 19 North, Range 3 East of the Second Principal Meridian, Hamilton County, Indiana, being a part of that 10.000 acre tract of land shown on the plat of survey prepared by Tracy L. McGill, Professional Surveyor #LS20500009 on March 26, 2021, American Structurepoint, Inc. project number 2020.01414, and described as follows:

Beginning at a the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 89 degrees 20 minutes 32 seconds West (basis of bearing - Indiana Geospatial Coordinate System's (InGCS) "Marion") 1,329.90 feet along the south line of said quarter-quarter section to the southwest corner thereof; thence North 0 degrees 2 minutes 20 seconds West 327.64 feet along the west line of said quarter-quarter section; thence North 89 degrees 20 minutes 32 seconds East, parallel with the aforementioned south line, 1,329.25 feet to the east line of said quarter-quarter section; thence South 0 degrees 9 minutes 14 seconds East 327.63 feet along said east line to the point of beginning and containing 10.000 acres, more or less.

EXHIBIT B

CONCEPT PLAN





EXHIBIT C

CHARACTER PLAN

